



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 28, 1998

Mr. Kevin D. Pagan
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR98-2326

Dear Mr. Pagan:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118289.

The McAllen Police Department (the "department") received an open records request for the police report, including the narrative, pertaining to a particular alleged assault. You state that the department has released to the requestor the "front page" offense report information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).¹ You seek to withhold the remaining requested information pursuant to section 552.108(a)(1) of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Because you have informed us that the records at issue pertain to a pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. You therefore may withhold the information at issue pursuant to section 552.108(a)(1).

¹We assume for purposes of this ruling that the department has released a *detailed* description of the alleged assault. See *Houston Chronicle*, 531 S.W.2d at 187; see also Gov't Code § 552.108(c). If it has not, it must do so at this time.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/RWP/mjc

Ref.: ID# 118289

Enclosures: Submitted documents

cc: Ms. Lisa Ann Lehman
1801 West Jefferson Street
Brownsville, Texas 78520
(w/o enclosures)